

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1999-092380

08/31/2012

HONORABLE BENJAMIN R. NORRIS

CLERK OF THE COURT
L. Heinzmann
Deputy

IN RE THE MARRIAGE OF
JERALDEAN PARMELEE

RICHARD W CLARK

AND

CHARLES E PARMELEE JR.

ERIC W KESSLER

UNDER ADVISEMENT RULING

The Court has received Husband's Motion to Amend Decree re: Qualified Domestic Relations Order filed July 26, 2012. According to the Motion, the parties' April 25, 2002 Decree called for a division of Husband's Arizona State Retirement benefits by QDRO, but Wife passed away March 31, 2005 "and left no named beneficiary for the account." Accordingly, Husband wants the Decree modified and a revised QDRO issued so that he may receive 100% of the retirement benefits in question. Husband's Motion does not show that it was served on anyone, presumably because Wife is deceased. Husband's Motion is deficient and cannot be granted for several reasons:

First, Husband has not provided any proof that Wife is actually deceased, such as a certified copy of a death certificate.

Second, Husband has failed to provide the Court with copies of documents that would prove that Wife did not designate a beneficiary of her share of the retirement plan.

Third, Husband has failed to provide any information as to who might have a claim to the property rights in issue. For example, Husband has not provided the Court with a copy of the

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plan document that describes who is entitled to Wife's share of the retirement benefits upon her death in the absence of her having designated a beneficiary of her share of the retirement plan, nor has Husband provided the Court with copies of documents that would establish: (a) whether Wife died testate or intestate, (b) if Wife died testate, who the devisees are under her last will and testament (and provide the Court with a copy of Wife's will), (c) regardless of whether Wife died testate, who her heirs are, and (d) whether a personal representative has been appointed for her estate. Accordingly,

IT IS ORDERED denying Husband's Motion without prejudice to Husband renewing his request by filing a new motion that provides the Court with the information and documentary proof described above, with an attached certificate of service showing that Husband has sent a copy of such motion to all persons who might have a claim to the property rights in issue.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.